

1 ANNE HIARING HOCKING, Esq. State Bar No. 88639
2 Law Office of Anne Hiaring
3 711 Grand Avenue, Suite 260
4 San Rafael, CA 94901
5 Telephone: (415) 457-2040
6 Facsimile: (415) 457-2822
7 Email: anne@hiaringlaw.com

8 Attorney for Plaintiff
9 PROTECH DIAMOND TOOLS
10 INCORPORATION

11
12
13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 PROTECH DIAMOND TOOLS) Case No. C 08-3684 SBA
18 INCORPORATION, a California Corporation,))
19 Plaintiff,) **REQUEST AND ORDER EXTENDING**
20) **PROTECH DIAMOND USA, INC.'S TIME**
21) **TO ANSWER COMPLAINT**
22 vs.)
23)
24 DAVID LIAO, an individual,))
25 PROTECH DIAMOND TOOLS INC., a))
Canadian Corporation, and PROTECH))
DIAMOND USA, INC., a California))
Corporation and DOES 1-10,))
Defendants.)
26

27 Plaintiff Protech Diamond Tools Incorporation filed its Complaint for Trademark
28 Infringement, False Designation of Origin and Unfair Competition on August 1, 2008 against
29 three defendants: David Liao, Protech Diamond Tools Inc. and Protech Diamond USA, Inc.

30 REQUEST AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANT PROTECH DIAMOND
31 USA, INC. TO RESPOND TO COMPLAINT
32 CASE NO. C 08-3684 SBA

1 Plaintiff served Protech Diamond USA, Inc. on August 11, 2008 and filed its Certificate
2 of Service with the Court on August 27, 2008. Accordingly, Defendant Protech Diamond
3 USA, Inc. has until today, September 2, 2008, to respond to Plaintiff's Complaint.

4 On September 2, 2008, Plaintiff discussed this litigation with counsel for Defendants
5 David Liao and Protech Diamond Tools Inc., which are both Canadian entities (hereinafter
6 referred to as "Canadian Defendants"). Canadian Defendants' counsel requested that Plaintiff's
7 counsel send Notices and Requests for Wavier of Service for the Canadian Defendants, which
8 Plaintiff's counsel did so today, September 2, 2008. Accordingly, the Canadian Defendants
9 will have ninety days, or until December 1, 2008, by which to respond to Plaintiff's Complaint.
10 Fed. R. Civ. Proc. 4(d), 12(a)(1)(A)(ii).

12 In addition, counsel for both parties discussed the deadline for Defendant Protech
13 Diamond USA, Inc. to file its response to Plaintiff's complaint. As Defendant Protech
14 Diamond USA, Inc. is related to at least Defendant Mr. Liao, one of the Canadian Defendants,
15 Plaintiff's counsel agreed to an extension of time for Protech Diamond USA, Inc. to respond to
16 Plaintiff's Complaint.

17 Based on the agreement reached between the parties' respective counsel today,
18 September 2, 2008, Plaintiff respectfully requests that the Court extend the time by which
19 Defendant Protech Diamond USA, Inc. has to respond to Plaintiff's Complaint from September
20 2, 2008 to December 1, 2008. Fed. R. Civ. Proc. Rule 6(b).
21

22 Plaintiff believes good cause exists for the Court to grant an extension of time for
23 Protech Diamond USA, Inc. to respond to Plaintiff's Complaint because the defendants are all
24
25

**REQUEST AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANT PROTECH DIAMOND
USA, INC. TO RESPOND TO COMPLAINT
CASE NO. C 08-3684 SBA**

1 related and that by granting this extension, the Court's time and resources will be used that
2 much more efficiently and equitably in determining this action.

3
4 Respectfully submitted,
5
6 DATED: September __, 2008
7
8
9
10
11
12 IT IS SO ORDERED.
13
14 DATED: _9/2/08
15
16
17
18
19
20
21
22
23
24
25

LAW OFFICE OF ANNE HIARING

By: _____
ANNE HIARING HOCKING, Esq.
Attorney for Plaintiff
PROTECH DIAMOND TOOLS
INCORPORATION

By: Saundra B. Armstrong
HON. SAUNDRA B. ARMSTRONG
United States District Court Judge